

The Appeals Board finds the Order of the Administrative Law Judge should be affirmed. The facts of this case turn in favor of the claimant who testified that she suffered

accidental injury arising out of and in the course of her employment with the respondent. The respondent, on the other hand, alleged the claimant suffered injury while moving firewood at her parent's place the weekend after the date of the alleged injury. In being able to both observe and question the witnesses, the Administrative Law Judge is able to assess their credibility in a way the Appeals Board cannot. Therefore, the Appeals Board adopts as its own, as if specifically set out herein, the findings of the Administrative Law Judge that claimant suffered accidental injury arising out of and in the course of her employment and that claimant provided notice to respondent of this accident as is required by K.S.A. 44-520.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge Shannon S. Krysl dated March 12, 1996, should be, and hereby is, affirmed and remains in full force and effect.

IT IS SO ORDERED.

Dated this ____ day of May 1996.

BOARD MEMBER

c: Dale V. Slape, Wichita, KS
Stephen A. McManus, Kansas City, KS
Shannon S. Krysl, Administrative Law Judge
Philip S. Harness, Director